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ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)  
14135 NORTH CEDARBURG ROAD  
MEQUON, WI 53097-1416

In re Application of:  
Pierre R. Emeric et al.  
Serial No.: 09/681,467  
Filed: June 12, 2001  
For: METHOD AND SYSTEM TO REGULATE  
COOLING OF A MEDICAL IMAGING  
DEVICE

DECISION ON PETITION TO  
WITHDRAW HOLDING  
OF ABANDONMENT

This is a decision on the petition filed December 14, 2004, which is a resubmission of a petition filed January 6, 2004, both via facsimile transmission, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

A non-final Office action was mailed April 28, 2003, setting a three-month shortened statutory period for filing a reply. In the apparent absence of a response, a Notice of Abandonment was mailed on December 30, 2003.

Petitioner asserts that a reply was timely filed. In support of the assertion that a reply was timely filed, petitioner submitted the following papers as evidence of timely submission: 1) a copy of a response entitled "Amendment/Response to 4-28-03 Office Action" which bears at the center of the first page a Certificate of Transmission under 37 C.F.R. § 1.8(a) dated June 30, 2003, and 2) a statement in support of the petition under 37 C.F.R. § 1.8(b) signed by petitioner attesting to his personal knowledge that the reply was submitted to the PTO on June 30, 2003, and 3) a copy of the report from the transmitting machine indicating satisfactory transmission of 17 pages to the USPTO on June 30, 2003.

The file record does not include the originally submitted reply.

The petition satisfies the conditions for accepting a reply filed via the certificate of transmission procedure under 37 C.F.R. § 1.8(a) but loss after receipt thereof. Accordingly, the petition is

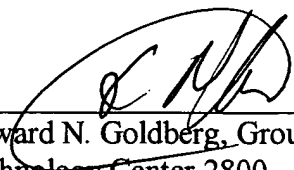
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granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The copy of the reply filed with the petition is hereby accepted since the Office has apparently lost the originally filed reply.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

An Office action will be issued in due course.



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Howard N. Goldberg, Group Director  
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Semiconductors, Electrical and Optical  
Systems and Components